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TAGS: [PREL](#) [UNSC](#) [UNMIK](#) [KV](#) [YI](#)
SUBJECT: KOSTUNICA: SERBIA WILL "DO MUCH MORE" THAN DECLINE
TO RECOGNIZE KOSOVO

¶1. (C) Summary: On the eve of the Security Council's session on Kosovo (reported septel) Serbian Prime Minister Kostunica offered Ambassador Khalilzad a familiar mix of legalisms and ethnic nationalism in arguing against a non-negotiated solution to Kosovo's status. Kostunica said Serbia is prepared to negotiate substantial autonomy for Kosovo in accord with Serbia's interpretation of UNSCR 1244, which he insisted also categorically precluded any unilateral declaration of independence and any EU rule of law mission. Saying "Albanians already have a state," he asked why they should have another. Ambassador Khalilzad told Kostunica that the U.S. values its long relationship with Serbia and wants to see the country take its rightful place in Europe but warned against retaliatory actions. Kostunica replied that Serbia would "do much more than just not recognize Kosovo." End Summary.

¶2. (SBU) Ambassador Khalilzad met with Serbian Prime Minister Vojislav Kostunica on December 18 in the Security Council's conference room. Also participating in the meeting were, for Serbia, Minister for Kosovo Slobodan Samardzic and UN PermRep Pavle Jevremovic and, for USUN, DepPolCouns and Poloff.

¶3. (SBU) PM Kostunica praised the recently concluded negotiations facilitated by the U.S.-EU-Russia Troika as more effective than those facilitated by UN Special Envoy Martti Ahtisaari, but charged that the Albanian side had been promised independence by the U.S. and therefore had not been ready to make significant concessions. He said Serbia, by contrast, had cooperatively offered several models of the substantial autonomy he insisted UNSCR 1244 set as the limit of Pristina's separation from Belgrade.

¶4. (C) Kostunica argued that any declaration of independence by Kosovo would violate resolution 1244's recognition of "the territorial integrity of Yugoslavia, now Serbia." He said any EU rule of law mission (ESDP) would also violate 1244 because it "would deal with Kosovo step by step whereas 1244 allows only comprehensive changes via a new resolution." Pressed by DepPolCouns about Serbia's anti-ESDP argument, Samardzic said ESDP would be illegal because it had been included as an annex to last July's draft resolution that had been "rejected" by the Security Council. He then presented Ambassador Khalilzad with a 17-page legal brief (e-mailed to IO/UNP) prepared by Thomas Fleiner of the University of Fribourg and entitled "Counterarguments with regard to the Legal Arguments of the Validity of UNSCR Resolution 1244 in Case of Unilateral Declaration of Independence of Kosovo and Metohija."

¶5. (SBU) Kostunica said "there is no reason that Albanians and Serbs cannot live together since they have been doing so for more than 800 years." He cited Presevo Valley in southern Serbia as a "good model for Kosovo" because "Albanians live normal lives there." In addition to his legal argument against Kosovo independence, he said "Albanians

already have a state" and "a national minority should not be allowed to impose its views on us."

16. (C) Ambassador Khalilzad expressed appreciation for Serbia's commitments to non-violence. He said the U.S. judgment is that negotiations are exhausted. Khalilzad told Kostunica that the U.S. values its long relationship with Serbia and looks forward to its continuation as Serbia takes its rightful place in Europe. He was confident that resolution of Kosovo's status would allow the two countries to focus on the many other aspects of their relationship. He warned, however, that the U.S. will take a dim view of actions aimed at punishing Kosovo or sympathetic countries.

17. (C) Kostunica replied that a Kosovo declaration of independence will make void any existing agreements about Kosovo, including 1244. He said Serbia would "do much more than just not recognize Kosovo" and warned that "not recognizing by definition means something about a relationship and this will apply also to countries that do recognize Kosovo."
Khalilzad